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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

BRANDEN MARKELL WISE,
Petitioner,
v.
GISELLE MATTESON,
Respondent.

Case No. CV 22-4054-MEMF(AS)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE [ECF
NO. 18]**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (ECF No. 1), all of the records herein and the attached Report and Recommendation of United States Magistrate Judge (ECF No. 18) to which no objections were filed. Accordingly, the Court concurs with and accepts the findings and conclusions of the Magistrate Judge.¹

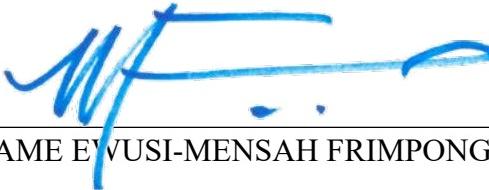
¹ The Court notes that at the time the Report was issued, the only related proceedings pending in state court were post-conviction state proceedings—specifically, an appeal of the trial court’s denial of the section 11790.95 petition for resentencing. As of the date of this Order, the California Court of Appeal has since affirmed the trial court’s decision, resolving the matter. There do not appear to be any remaining state court proceedings. See California Appellate Courts Case Information, <http://appellatecases.courtinfo.ca.gov> (last visited Mar. 26, 2023) (Case No. B320662).

1 **IT IS ORDERED** that Respondent's Motion to Dismiss be DENIED; Petitioner's Motion
2 for a Stay be GRANTED; and this case be STAYED pursuant to *Rhines v. Weber*, 544 U.S. 269
3 (2005), pending the exhaustion of Ground Two of the Petition in state court. The parties are
4 ORDERED to meet and confer and submit a joint status report on the status of Petitioner's
5 exhaustion efforts every sixty (60) days from the date of this Order.
6

7 **IT IS FURTHER ORDERED** that the Clerk serve copies of this Order and the
8 Magistrate Judge's Report and Recommendation herein on counsel for Petitioner and counsel for
9 Respondent.

10 **IT IS SO ORDERED.**

11
12 Dated: March 30, 2023



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14 MAAME EVUSI-MENSAH FRIMPONG
15 United States District Judge

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